

STATE WATER BOARD
BOARD MEETING MINUTES
September 21, 2006

Copies of the resolutions and water quality order can be obtained by calling (916) 341-5600 or downloading from our [website](#).

CALL TO ORDER

Tam M. Doduc, Chair called the meeting to order on September 21, 2006 at 10:04 a.m. in the Coastal Hearing Room, 1001 I Street, Sacramento, California.

BOARD MEMBERS PRESENT

Tam M. Doduc, Chair; Gerald D. Secundy, Vice Chair; Arthur G. Baggett, Jr., Member; Charlie Hoppin, Member; Gary Wolff, P.E., Ph.D., Member

BOARD MEMBERS ABSENT

None

STAFF PRESENT

Celeste Cantú, Executive Director
Beth Jines, Deputy Director
Song Her, Clerk to the Board
Reed Sato, Office of Enforcement
Miles Burnett, Division of Administrative Services
Michael Buckman, Division of Water Quality
Sheila Vassey, Office of Chief Counsel
Ted Cobb, Office of Chief Counsel

Tom Howard, Deputy Director
Michael Lauffer, Chief Counsel
Erin Ragazzi, Division of Financial Assistance
Leslie Laudon, Division of Financial Assistance
Barbara Leidigh, Office of Chief Counsel
Nirmal Sandhar, Division of Water Quality
Steven Blum, Office of Chief Counsel

ANNOUNCEMENT

- Evacuation information in case the fire alarm goes off during the meeting.

PUBLIC FORUM

None

MINUTES

Motion: Member Baggett moved to adopt the September 6, 2006 Board minutes.

Seconded by: Vice Chair Secundy

MOTION CARRIED ([9/06/06](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett
Member Hoppin
Member Wolff

INFORMATIONAL ITEM

1. Board Member Report
 - Vice Chair Secundy reported that he had been to the World Ocean Conference and commented that it was a very well attended and excellent conference. They had break out sessions, such as Atmospheric Deposition, which he chaired, Clean Beaches Initiative, and TMDLs.
2. Report by John Robertus, Executive Officer, San Diego Water Board
 - Executive Officer, John Robertus, was not able to report and will be scheduled for a future Board Meeting.

3. Report on the Status of the Water Board's Enforcement Program ([Presentation](#))
 - Mr. Reed Sato, Director for the Office of Enforcement, reported on the Enforcement Program.

Commenters

Linda Sheehan, California Coastkeeper Alliance

FINANCIAL ASSISTANCE

4. Consideration of a resolution approving projects, and authorizing issuance of grants for the [Urban Stormwater and the Nonpoint Source Implementation \(319\(h\)\) programs](#) administered through the 2005-06 Consolidated Grants Program

Motion: Member Wolff moved to adopt the proposed resolution.

Seconded by: Member Baggett

MOTION CARRIED (Resolution [2006-0063](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett
Member Hoppin
Member Wolff

Commenters

Carey Cooper, Santa Cruz County RCD

ADMINISTRATIVE SERVICES

5. Consideration of a resolution adopting emergency regulations revising the [core regulatory fee schedules](#) contained in Title 23, Division 3, Chapter 9, Article 1 of the California Code of Regulations

Motion: Member Wolff moved to adopt the proposed resolution with revisions proposed by staff.

Seconded by: Board Chair Tam

MOTION CARRIED (Resolution [2006-0064](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett
Member Hoppin
Member Wolff

Commenters

Linda Sheehan, California Coastkeeper Alliance

WATER RIGHTS

6. Consideration of a resolution adopting emergency regulations revising the Water Board's [Water Right and Water Quality Certification fee schedules](#) ([Presentation](#))

Motion: Member Baggett moved to adopt the proposed resolution.

Seconded by: Member Wolff

MOTION CARRIED (Resolution [2006-0065](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett
Member Hoppin
Member Wolff

Commenters

Dan Kelly, Somach Simmons & Dunn

Jon Rubin, SCDMWA/WWD

Tony Francois, California Farm Bureau Federation

7. Consideration of a proposed order amending [State Water Board Decision 1641](#) to comply with a writ of mandate

No action was taken and item was continued to the October 11, 2006 Board Meeting.

Commenters

Jon Rubin, SCDMWA/WWD

Ronald Milligan, US Bureau of Reclamation

Cathy Crothers, Department of Water Resources

Cliff Schulz, State Water Contractor, Kern County Water Agency

WATER QUALITY

8. Consideration of resolution authorizing execution of contracts and amendments to implement statewide comprehensive groundwater quality monitoring in the [Groundwater Ambient Monitoring Assessment program](#)

Motion: Vice Chair Secundy moved to adopt the proposed resolution.

Seconded by: Member Baggett

MOTION CARRIED (Resolution [2006-0066](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett
Member Hoppin
Member Wolff

Commenters

None

9. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the Central Coast Region to establish a total maximum daily load for pathogens, establish a Livestock Waste Discharge Prohibition, and to remove the Shellfish Harvesting beneficial use from [Watsonville Slough](#) and its tributaries **(Written comments are due by 5 p.m. on September 15, 2006)** ([Presentation](#))

Motion: Vice Chair Secundy moved to adopt the proposed resolution.

Seconded by: Member Baggett

MOTION CARRIED (Resolution [2006-0067](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett
Member Hoppin
Member Wolff

Commenters

None

10. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the Central Coast Region to establish total maximum daily loads and a land disturbance prohibition for sediment in the [Pajaro River](#) (including Llagas Creek, Rider Creek, and San Benito River) ([Presentation](#)) **(Written comments were due by 5 p.m. on September 1, 2006)**

Motion: Member Wolff moved to adopt the proposed resolution with revisions proposed by staff.

Seconded by: Member Hoppin

MOTION CARRIED (Resolution [2006-0068](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett
Member Hoppin
Member Wolff

Commenters

None

11. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the San Diego Region addressing [Basin Plan Issue No. 6, Authorization of Compliance Time Schedules](#) in National Pollutant Discharge Elimination System Requirements ([Presentation](#))

No action was taken and item was continued to the October 25, 2006 Board Meeting.

Commenters

Linda Sheehan, California Coastkeeper Alliance

12. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the San Diego Region addressing [Basin Plan Issue No. 3, Addition of Unnamed or Unidentified Water Bodies](#) to the Beneficial Use Tables and to make water quality objective table corrections ([Presentation](#))

Motion: Vice Chair Secundy moved to adopt the proposed resolution.

Seconded by: Member Baggett

MOTION CARRIED (Resolution [2006-0069](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Baggett
Member Hoppin
Member Wolff

Commenters

None

The Board retired to closed session to discuss the personnel and two water rights litigation items.

CLOSED SESSION ITEMS

Closed Sessions are not open to the public

PERSONNEL (This is authorized under Government Code section 11126(a)(1).)

The Board will meet in closed session to discuss the appointment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another employee unless the employee requests a public hearing

WATER RIGHTS

The Board will meet in closed session to discuss ongoing and threatened litigation resulting from a cease and desist order issued in Order WR 2006-0006. Current cases are: *United States v. State Water Resources Control Board, San Luis & Delta-Mendota Water Authority and Westlands Water District v. State Water Resources Control Board*, and *State Water Contractors v. State Water Resources Control Board* (all Superior Ct., Sacramento County, 2006, Nos. 06CS00862, 06CS00863, and 06CS00864), and *United States v. State Water Resources Control Board* (U.S. Dist. Ct., Eastern Dist., 2006, No. 2:06-CV-01318-WBS-PAN (JKM) (This is authorized under Government Code section 11126, subs.(e)(2)(A) and (e)(2)(B).)

The Board will meet in closed session to discuss ongoing litigation in the *State Water Resources Control Board Cases* (Third District Court of Appeal, No. C044714; Sacramento County Superior Court, No. JC 4118). These cases involve challenges to revised Water Right Decision 1641 (This is authorized under Government Code section 11126, subd. (e)(2)(A).)

OPEN SESSION ITEM

13. Consideration of State Water Board priorities and member assignments for upcoming year.

There was discussion of State Water Board priorities and member assignments for upcoming year.